

ORDINANCE NO. 07-2014

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA,
RELATING TO CITY ELECTIONS; AMENDING THE
QUALIFYING PERIOD; PROVIDING FOR THE
PETITIONING PROCESS; PROVIDING FOR THE FILING
OF REQUIRED ITEMS; PROVIDING FOR WRITE-IN
CANDIDATES; PROVIDING FOR CONFLICTS,
SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the Charter of the City of Deltona, Chapter 95-498, Laws of Florida, (“the City of Deltona Charter”) at Section 5(1)(b), provides that the methods of qualifying as a candidate for City elective office shall be either by petition or by paying a qualifying fee; and

WHEREAS, the City of Deltona Charter, at Section 8(2), provides that City elections shall be non-partisan; and

WHEREAS, neither the City of Deltona Charter nor the Volusia County Uniform Election Dates Special Act, Chapter 95-462, Laws of Florida, specify when a candidate may file an oath with the City Clerk and receive the petition forms from the City Clerk; and

WHEREAS, the Florida Election Code, at Section 100.3605(1), Florida Statutes, provides that the Florida Election Code shall govern in the absence of an applicable special act; and

WHEREAS, the Florida Election Code, at Section 105.035, Florida Statutes, provides that the petition format shall be prescribed by the Division of Elections and shall be used by the candidate to reproduce petitions for circulation; and

WHEREAS, the Florida Election Code, at Section 105.035, Florida Statutes, provides that a candidate may file an oath and receive petition forms after the candidate has filed the appointment of campaign treasurer and designation of campaign depository; and

WHEREAS, the Florida Election Code, at Section 105.035(4)(a), Florida Statutes, provides that each petition shall be submitted prior to noon on the 28th day preceding the first day of the qualifying period for the office sought; and

WHEREAS, the City of Deltona Charter and the Volusia County Uniform Election Dates Special Act conflict as to the dates of the qualifying period for City elections; and

WHEREAS, the Florida Election Code, at Section 100.3605(2), Florida Statutes, provides that the governing body of a municipality may by ordinance change the dates for qualifying and for the election of members of the governing body; and

WHEREAS, neither the City of Deltona Charter, nor the Volusia County Uniform Election Dates Special Act, address certain other aspects of City elections, such as the filing of petitions and other items during the qualifying period, or the manner in which a person may qualify as a write-in candidate; and

WHEREAS, it is the desire of the City Commission of the City of Deltona, guided by the various provisions of the Florida Election Code, to codify and make clear the applicable dates and procedures for the petitioning and write-in candidate process and to eliminate any conflict as to the dates for the qualifying period for City elections.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AS FOLLOWS:

SECTION ONE: The Municipal Election Code of the City of Deltona is hereby amended to read as follows:

DELTONA MUNICIPAL ELECTION CODE

Section 1: Qualifying Period. The qualifying period for City of Deltona elections shall be the last two full (Monday – Friday) business weeks of July.

Section 2: Oath and Petition Forms. Candidates for City elective office may file an oath and receive the petition forms from the City Clerk at any time after the candidate has filed the appointment of campaign treasurer and designation of campaign depository, but prior to the 28TH day proceeding the first day of the qualifying period for the office sought.

Section 3: Filing of Petitions. Candidates for City elective office must submit to the City Clerk each petition collected prior to noon of the 28th day preceding the first day of the qualifying period for the office sought.

Section 4: Filing of Other Items. A candidate who has submitted the necessary petitions by the required deadline and who is notified by the City Clerk that the required number of signatures has been obtained shall be entitled to subscribe to the candidate's oath and file the qualifying papers during the time prescribed for qualifying for office. Any person other than a write-in candidate who qualifies within the time prescribed in this section shall be entitled to have his or her name printed on the ballot.

Section 5: Write-in Candidate. Each person seeking to qualify for election to office as a write-in candidate shall subscribe to the candidate's oath and file his or her qualification papers with the City Clerk at any time after noon of the 1st day for qualifying, but no later than noon on the last day of the qualifying period for the office sought. A write-in candidate shall not be entitled to have his or her name printed on any ballot; however, space for the write-in candidate's name to be written in shall be provided on the general election ballot. No person may qualify as a write-in candidate if the person has also qualified for election to such office.

SECTION TWO: Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith be and the same hereby repealed.

SECTION THREE: Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applicants of the Ordinance which can be given effect without the invalid provision or application, and to this end the provision of this Ordinance are declared severable.

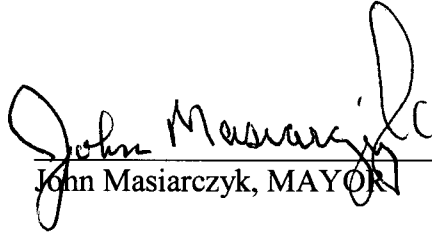
SECTION FOUR: Effective Date. This Ordinance shall become effective upon its adoption.

PASSED AND CERTIFIED AS TO PASSAGE THIS 3rd DAY OF March, 2014.

First Reading: 2.17.14

Advertised: 2.20.14

Second Reading: 3.3.14

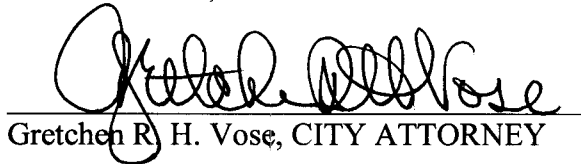

John Masiarczyk, MAYOR

ATTEST:


Joyce Raftery, CMC, CITY CLERK

NAME	YES	NO
BARNABY	<i>Absent</i>	
DENIZAC	<input checked="" type="checkbox"/>	
HERZBERG	<input checked="" type="checkbox"/>	
LOWRY	<input checked="" type="checkbox"/>	
MASIARCZYK	<input checked="" type="checkbox"/>	
NABICH	<input checked="" type="checkbox"/>	
SCHLEICHER	<input checked="" type="checkbox"/>	

APPROVED AS TO FORM AND LEGALITY
FOR USE AND RELIANCE BY THE CITY
OF DELTONA, FLORIDA


Gretchen R. H. Vose, CITY ATTORNEY